

**TOWN COUNCIL  
REGULAR MEETING  
JUNE 5, 1996**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:05 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present were Mayor Venis, Vice-Mayor Cox and Councilmembers Bush, Kiar and Santini. Also present were Town Administrator Flatley, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

**3. OPEN PUBLIC MEETING**

Mayor Venis advised the speakers of the Open Public Meeting procedures.

Jay Enten, 4800 Hawkes Bluff Avenue, discussed the Imagination Farms issue and possible Sunshine Law violations. He said that a part of Council's responsibility was to avoid even the mere appearance of impropriety.

Al Tyler, 8090 SW 19 Court, discussed the WestFair event and said that the Town needed to start watching the taxpayers money. He questioned how much the rodeo arena cost the Town.

John Weishart, 7731 NW 32 Street, thanked Council and the Code Enforcement Division for the accomplishments in the neighborhood.

Arthur Joseph, 13700 SW 18 Court, advised that the Davie Concerned Citizens wanted more information on the Town selling six acres to Forest Ridge and why the land was not put up for auction. He discussed fundraiser methods and previous Council actions. Mr. Joseph advised that the Davie Concerned Citizens also wanted the Budget Advisory Committee to meet more frequently and to conduct its own audit of the Town. Mr. Flatley stated that the Budget Advisory Committee had been meeting monthly.

Debbie Apolinario, 2940 SW 148 Avenue, offered her sympathy to Council for listening to individuals who had made wise remarks and who were not funny. She said that the three previous speakers were an embarrassment to the Town.

Judy Paul, 14421 SW 24 Street, thanked Council for its Tree Planting Program and congratulated Police Chief Jack Mackie on the Civilian Police Academy. She thanked Chief Mackie for expanding the canine unit and discussed the need for a new police facility. Ms. Paul thanked everyone who supported Amanda Martinez and that the benefit fundraiser raised approximately \$5,000. She commended Mayor Venis on his wrestling abilities, however, suggested another less violent activity be looked into.

Ms. Paul indicated that she had received a letter from Broward County Commissioner Lori Parrish who was not in favor of a homeless shelter in the western area.

William Gray asked to speak on a Consent Agenda item. Mayor Venis indicated that this item would be discussed later in the meeting.

Mayor Venis closed the Open Public Meeting portion of the meeting.

Mayor Venis announced that items 9.3, 9.4, 9.7, and 9.10 would be tabled. Councilmember Kiar asked that item 9.4 be tabled to July 17th instead of July 3rd because of the holiday. Mr. Webber indicated that this would not be a problem.

Mayor Venis indicated that item 11.1 would be heard at this time if there were no objections. No objections were noted.

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**11.1** Mr. Flatley stated that the Town was taking a strong stand on this issue and would advise the Broward County Commissioners that there were access problems. Michele Mellgren, Director of Development Services, explained the resolution. Mayor Venis requested that a meeting be held between the Town, Tom Thumb representatives, County Commissioner Lori Parrish and the residents.

Howard Neu, 15611 South Roundtable Road, stated that Broward County did not provide public hearings on site plans, however, the Director of Development Management Division had indicated that if the Town wished, a hearing could be held with the County. He thanked staff and Mr. Flatley for the resolution and Development Programs Manager Dan Oyler for beautifying the area. Mr. Neu indicated that the primary concern of the residents was traffic.

Vicki Brodstrom, 5001 Hawkes Bluff Avenue, appreciated Council support but the community needed to fight this issue.

Councilmember Kiar made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

#### **4. PRESENTATIONS**

##### **4.1 Robert Lockwood, Clerk of the Courts**

Robert Lockwood commissioned Mayor Venis as a Kentucky Colonel by the Governor of the Commonwealth of Kentucky and presented him with a plaque.

##### **4.2 Davie/Cooper City Chamber of Commerce**

Chuck Bonfiglio, President of the Davie/Cooper City Chamber of Commerce, thanked Council for attending the forum regarding concurrency. He indicated that a "How to Network Your Business" seminar was being held on July 19th at the Cooper City City Hall.

Mr. Bonfiglio presented Sid Spiro, President of Regent Bank, with a plaque awarding him as Business Person of the Year. Councilmember Santini advised that Mr. Spiro chaired the Budget Advisory Committee and the Joint Economic Development Steering Committee and presented him with a Key to the City.

Chief Mackie advised that Hurricane season was June 1st through October 31st and recommended that everyone review their hurricane procedures. He stated that shelters located in the Town were Western High School and Flamingo Elementary School and Broward Community College was a shelter for those with special needs.

#### **5. OCCUPATIONAL LICENSES**

##### *Home Occupational Licenses*

##### **5.1 Health Claims UpLink, 14301 SW 30 Court**

Tiffany Fieldhouse representing the applicant, was present. She confirmed that the request was for mail and phone use only.

Councilmember Kiar made a motion, seconded by Councilmember Bush, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - out of room; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - out of room. (Motion carried 3-0)

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**5.2 Mariner Frames, 14251 SW 29 Court**

Nancy Wahl, representing the applicant, was present. She confirmed that the request was for mail and phone use only.

Councilmember Bush made a motion, seconded by Councilmember Kiar, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - out of room; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - out of room. (Motion carried 3-0)

*Seasonal Sales - Fireworks - Waiver of Fees*

**5.3 Davie Church of God, 4140 SW 54 Avenue (location: 4610 South University Drive; June 21 - July 4, 1996)**

David Mears, representing the applicant, was present. Mayor Venis indicated the proper insurance was not in place and the motion would be subject to the insurance.

Councilmember Bush made a motion, seconded by Vice-Mayor Cox, to approve subject to that condition [insurance being in place]. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

**5.4 Davie Merchants & Industrial Assn., 4420 SW 64 Avenue (location: 2101 South University Drive; June 21 - July 4, 1996)**

Grant Marant, representing the applicant, was present.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

**5.5 United Pentecostal Church, 5490 South Pine Island Road (location: 5660 Griffin Road; June 25 - July 4, 1996)**

Gary Harris, representing the applicant, was present.

Councilmember Bush made a motion, seconded by Councilmember Santini, to approve item 5.5. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

**5.6 United Pentecostal Church, 5490 South Pine Island Road (location: 6500 Griffin Road; June 25 - July 4, 1996)**

Gary Harris, representing the applicant, was present and indicated that the insurance was being mailed.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve subject to receiving the insurance. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

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9.3 Councilmember Santini made a motion, seconded by Councilmember Bush, to table to June 19, 1996. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

9.4 and 9.10 Councilmember Kiar made a motion, seconded by Councilmember Santini, to table item to July 17, 1996. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

9.7 Councilmember Santini made a motion, seconded by Councilmember Kiar, to table to June 19, 1996. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

**6. COUNCILMEMBER COMMENTS**

**COUNCILMEMBER BUSH**

**CONCURRENCY.** Councilmember Bush stated that Councilmembers had attended the meeting the regarding concurrency. He indicated that he thought Broward County would be discussing this issue sometime in September.

**DRUG ABUSE RESISTANCE EDUCATION (D.A.R.E.).** Councilmember Bush stated that he had attended several D.A.R.E. programs and graduations and explained the program.

**PINE ISLAND COMMUNITY CENTER.** Councilmember Bush stated that the flooring in the weight room needed to be replaced. Sharon Pierce-Kent, Community Services Director, reported that one Capital Improvements project was approximately \$10,000 under budget and suggested that \$5,000 to \$6,000 be used to replace the flooring and the balance used to create more office space.

Councilmember Bush made a motion, seconded by Councilmember Santini, to move \$10,000 from one capital fund to the other. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

**HABITAT FOR HUMANITY.** Councilmember Bush stated that the Town sponsored the first house built by Habitat and a ceremony would be held on June 9th at 3:00 p.m.

**CONGRATULATIONS.** Councilmember Bush congratulated his daughter, Amanda, for graduating from high school and finishing her first year at Broward Community College. He added that she had also been named to the President's List and would be honored at a special ceremony on June 19th; however, because this was a Council meeting, he would be late to the meeting.

**VICE-MAYOR COX**

**WATER DEPOSITS.** Vice-Mayor Cox asked that a presentation be given at the next meeting regarding the rebate of water deposits on common areas in condominiums.

**CONCURRENCY.** Vice-Mayor Cox stated that she also attended the meeting and indicated that the County was proposing to put the concurrency issue back to site plan. She advised

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that the Site Plan Committee had to deny the site plan because of currency, however, there was no legal basis for this and asked Mr. Webber to look into this issue.

**MR. WEISHART.** Vice-Mayor Cox thanked Mr. Weishart for speaking at the Open Public Meeting; however, his neighborhood had supported Code Enforcement and provided recommendations for improvements.

**RESPONSE TO PUBLIC COMMENTS.** Vice-Mayor Cox discussed the State Attorney's response regarding the alleged violations. She indicated that the Town received more money by not auctioning off the property as the property was valued at \$150,000 and the Town received \$289,000.

**COUNCILMEMBER SANTINI**

**CITY OF MIRAMAR.** Councilmember Santini asked staff and Mr. Webber to review Miramar's language regarding a requirement that what was to be built was revealed at the time of a rezoning.

**DRUG ABUSE RESISTANCE EDUCATION (D.A.R.E.).** Councilmember Santini stated that she attended the D.A.R.E. graduation.

**CHAMBERS OF COMMERCE LUNCHEON.** Councilmember Santini advised that the Chambers of Commerce throughout the county had a luncheon for Leadership and Small Business person of the Year award which was inspirational.

**BILLBOARDS.** Councilmember Santini stated that she had received a letter from the American Lung Association thanking the Town for looking after the general welfare and health of the Town's children.

**JULY 4TH CELEBRATION.** Councilmember Santini discussed the activities that would be held at the Pine Island Community Center. She thanked Davie Commerce Center, Davie Lincoln Mercury, Memorial Hospital and Home Depot for contributing to the fireworks display.

**RESPONSE TO PUBLIC COMMENTS.** Councilmember Santini stated that 99.9% of the public knew all the facts.

**COUNCILMEMBER KIAR**

**FOREST RIDGE COMMUNITY DAY.** Councilmember Kiar stated that Council and the Town's Child Safety Board had attended the Forest Ridge Community Day.

**CHILD SAFETY BOARD.** Councilmember Kiar stated that the Child Safety Board would be distributing safety information during the July 4th activities.

**TREE PLANTING PROGRAM.** Councilmember Kiar gave a history of the Town's Tree Planting Program.

**GAS/INSURANCE.** Councilmember Kiar discussed gas prices and Florida not requiring bodily liability insurance.

**GRADUATION.** Councilmember Kiar congratulated his son Mark for graduating from the 8th grade and Councilmember Bush's daughter for her graduation.

**POLICE ATHLETIC LEAGUE (PAL).** Councilmember Kiar stated that his son was participating in the PAL program and several police officers were volunteering their time for the program. He presented Mayor Venis with a picture of the wrestling match and asked Mayor Venis to meet some of the kids involved with the PAL.

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**MAYOR VENIS**

**MEMORIAL DAY PARADE.** Mayor Venis stated that he and Vice-Mayor Cox participated in the Boy Scouts' Memorial Day parade and had been presented with a plaque.

**BLASTING.** Mayor Venis stated that the meeting scheduled with Pembroke Pines regarding blasting had been canceled. He asked Mr. Webber to prepare the agreement with Mr. Webber responding that Pembroke Pines objected to an agreement until a meeting was held. Mayor Venis stated that several meetings had been canceled and suggested that a draft agreement be provided to Pembroke Pines.

**SCHOOL CROSSING GUARDS.** Mayor Venis stated that the Broward County School Board was requesting three additional School Crossing Guards in the Town. Chief Mackie indicated that he would have this request reviewed.

**FUNDRAISER.** Mayor Venis advised that he had toured the Starting Place's facility located in Hollywood and advised that a baseball fundraising event was being held on July 11th at the Yankee Baseball Stadium. He advised that the officials from the Starting Place would be providing Council with a presentation at a future meeting.

**GRANT.** Mayor Venis stated that the Town had received a \$70,000 grant for drug prevention.

**TRAFFIC SIGNAL STUDY.** Mayor Venis asked that the Engineering Department review a study for a traffic signal between the Country Isles Plaza and the Village Plaza.

**ATHLETIC FIELD.** Mayor Venis stated that on June 13th, a groundbreaking ceremony would be held at the Flaming Elementary School's new athletic field. He asked that the Town plant a tree in memory of Barbara Murray's memory who had taught first grade for 18 years. Mayor Venis recommended that a proclamation be read at the ribbon cutting ceremony.

**7. CONSENT AGENDA**

*Minutes*

**7.1 May 15, 1996 - Regular Meeting**

*Resolutions*

**7.2 EXTENDING BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
**R-96-160 EXTENDING THE BID FOR CHAIN LINK FENCE. (Tropic Fence, Inc.)**

**7.3 EXTENDING BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
**R-96-161 EXTENDING THE BID FOR FERTILIZER. (lowest bidder for each item)**

**7.4 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING**  
**R-96-162 THE BID FOR TURNOUT GEAR, CO-OP BID 96-001. (Safety Equipment Company - \$16,187)**

**7.5 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING**  
**R-96-163 THE BID FOR SUMMER FOOD SERVICE PROGRAM, CO-OP BID #F95-96-021. (Jerry's Caterers - \$12,500)**

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- 7.6  
R-96-164     **DRUG ENFORCEMENT UNIT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE AN AGREEMENT WITH THE SHERIFF OF BROWARD COUNTY, CITY OF HOLLYWOOD, CITY OF MIRAMAR, CITY OF PEMBROKE PINES, CITY OF HALLANDALE, AND THE CITY OF COOPER CITY, WITH REGARD TO THE SOUTH BROWARD DRUG ENFORCEMENT UNIT; AND PROVIDING AN EFFECTIVE DATE.**
- 7.7  
R-96-165     **SCRIVENORS ERROR - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING RESOLUTION R-96-66 ADOPTED MARCH 6, 1996, BY CORRECTING A SCRIVENERS ERROR; AND PROVIDING AN EFFECTIVE DATE. (Case #90-228, Chapman/Hagen d/b/a L & M Used Car Sales, Inc.; mitigation of a Code Enforcement violation)**
- 7.8  
R-96-166     **CHANGE ORDER - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT CHANGE ORDER FOR CONSTRUCTION OF AN ATHLETIC FIELD AT FLAMINGO ELEMENTARY SCHOOL. (net decrease of \$17,748)**
- 7.9  
R-96-167     **SENIOR NUTRITION PROGRAM - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH THE HUMAN SERVICES NETWORK, INC., d/b/a BROWARD MEALS ON WHEELS TO PROVIDE NUTRITION SERVICES FOR ELDERLY RESIDENTS IN OUR COMMUNITY.**
- 7.10  
R-96-168     **SUPPORTING ALU-O'HARA PUBLIC SAFETY ACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA IN SUPPORT OF THE ALU-O'HARA PUBLIC SAFETY ACT THAT GUARANTEES HEALTH BENEFITS TO ALL PUBLIC SAFETY OFFICERS CATASTROPHICALLY INJURED IN THE LINE OF DUTY; OFFERING HEALTH BENEFITS TO AFFECTED SPOUSES AND DEPENDENT CHILDREN AS OLD AS TWENTY-FIVE YEARS OF AGE.**
- 7.11  
R-96-169     **ARENA CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO A RODEO ARENA LEASE AGREEMENT BETWEEN THE US TEAM PENNING ASSOCIATION AND THE TOWN OF DAVIE. (July 13, 1996; rental fee - \$500)**
- 7.12  
R-96-170     **ARENA CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN TO ENTER INTO AN AGREEMENT WITH THE DAVIE POLICE ATHLETIC LEAGUE AND WAIVING ARENA RENTAL FEES FOR A BATTLE OF THE BANDS FUNDRAISER. (August 11, 1996)**

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- 7.13 **REVISING/RETITLING CLASS SPECIFICATIONS - A RESOLUTION OF**  
R-96-171 **THE TOWN OF DAVIE, FLORIDA, REVISING AND RETITLING THE CLASS SPECIFICATION FOR COMMUNITY SERVICES PROGRAMS COORDINATOR AND CREATING THE CLASS SPECIFICATION FOR COMMUNITY SERVICES RECREATION SUPERVISOR IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN AND TO BE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT.**
- 7.14 **INTERIM SERVICE FEES - A RESOLUTION OF THE TOWN OF DAVIE,**  
R-96-172 **FLORIDA, ADOPTING INTERIM SERVICE FEES; AND PROVIDING AN EFFECTIVE DATE. (method for newly developed property to pay the cost of Town services)**
- 7.15 **DEFERRED COMPENSATION PLAN SERVICES - A RESOLUTION OF**  
R-96-173 **THE TOWN OF DAVIE, FLORIDA, ADOPTING A NEW DEFERRED COMPENSATION RETIREMENT PLAN TO REPLACE THE DEFERRED COMPENSATION PLAN ADOPTED MAY 1, 1985 BY RESOLUTION R-85-76; PROVIDING FOR THE APPOINTMENT OF INVESCO RETIREMENT PLAN SERVICES AS TRUSTEE; AND PROVIDING AN EFFECTIVE DATE.**
- 7.16 **TAX EXEMPT BONDS - A RESOLUTION OF THE TOWN OF DAVIE,**  
R-96-174 **FLORIDA, INDICATING THE OFFICIAL INTENT OF THE TOWN COUNCIL TO ISSUE TAX-EXEMPT BONDS TO FINANCE THE COST OF THE DEVELOPMENT SERVICES DEPARTMENT OFFICE RENOVATIONS AND THE RESTORATION WORK OF OLD DAVIE SCHOOL, BOTH OF WHICH ARE TO BE USED FOR MUNICIPAL PURPOSES AND TO USE A PORTION OF THE PROCEEDS OF SUCH BONDS TO REIMBURSE EXPENDITURES PAID OR INCURRED PRIOR TO THE DATE OF ISSUANCE THEREOF; AND PROVIDING AN EFFECTIVE DATE.**
- 7.17 **COMBINED MONEY PURCHASE PLAN - A RESOLUTION OF THE TOWN**  
R-96-175 **OF DAVIE, FLORIDA, COMBINING THE MANAGERIAL MONEY PURCHASE PLAN AND THE GENERAL EMPLOYEES MONEY PURCHASE PLAN INTO A NEW COMBINED PLAN TO BE NAMED THE TOWN OF DAVIE MONEY PURCHASE PLAN; AND PROVIDING AN EFFECTIVE DATE.**
- 7.18 **MATCHING COSTS ASSOCIATED WITH SOLID WASTE GRANT - A**  
R-96-176 **RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROPRIATING SUFFICIENT FUNDS FROM FUND BALANCE TO PAY THE MATCHING COSTS ASSOCIATED WITH THE EIGHTH YEAR WASTE TIRE SOLID WASTE GRANT FROM BROWARD COUNTY. (\$116,064)**
- 7.19 **SUMMER MINI-CAMPS - A RESOLUTION OF THE TOWN OF DAVIE,**  
R-96-177 **FLORIDA AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE LIL' RASCALS ACADEMY FOR THE OPERATION OF DAYCARE SERVICES FOR SUMMER MINI-CAMPS.**

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- 7.20 **COMPUTER MAINTENANCE - A RESOLUTION OF THE TOWN OF**  
R-96-178 **DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH IBM TO PROVIDE MAINTENANCE ON IBM EQUIPMENT.**
- 7.21 **ADOPTING ASSESSMENT ROLL - A RESOLUTION OF THE TOWN OF**  
DAVIE,  
R-96-179 **FLORIDA, RELATING TO THE SPECIAL ASSESSMENT DISTRICT IMPROVEMENTS FOR THE INSTALLATION OF A POTABLE WATER SYSTEM FOR TRACT 16, SECTION 27, TOWNSHIP 50 SOUTH, RANGE 40 EAST OF FLORIDA FRUITLANDS CO. SUBDIVISION, RECORDED IN PLAT BOOK 2, PAGE 17 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, TOGETHER WITH PORTIONS OF THE SOUTH ONE-THIRD OF THE SOUTHEAST ONE-QUARTER OF SECTION 22, TOWNSHIP 50 SOUTH, RANGE 40 EAST LESS THE ADJOINING PUBLIC AND PRIVATE RIGHTS-OF-WAY; ALSO KNOWN AS LOTS 1 THROUGH 136 OF SUNNYLANE FARMS (UNRECORDED), ALL OF SAID PROPERTY BEING WITHIN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA, CONFIRMING AND RATIFYING RESOLUTION R-96-89; ADOPTING THE ASSESSMENT ROLL FOR SUNNYLANE FARMS AND LANDS TO THE SOUTH KNOWN AS THE SEMINOLE HEALTH CLUB; PROVIDING THAT THE ASSESSMENTS SHALL BE A FIRST LIEN AGAINST THE PROPERTY; DIRECTING THE TOWN CLERK TO RECORD THE ASSESSMENTS IN THE IMPROVEMENT LIEN BOOK; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**
- 7.22 **GRANT APPLICATION - A RESOLUTION OF THE TOWN OF DAVIE,**  
R-96-180 **FLORIDA AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF COMMERCE FOR THE ECONOMIC DEVELOPMENT TRANSPORTATION FUND PROGRAM, TO FUND ROADWAY IMPROVEMENTS AS AN INDUCEMENT FOR THE LOCATION AND DEVELOPMENT OF A SUBSTANTIAL CORPORATE ENTERPRISE; AND PROVIDING AN EFFECTIVE DATE**
- 7.23 **SUBDIVISION PLAT - A RESOLUTION OF THE TOWN OF DAVIE,**  
R-96-181 **FLORIDA, APPROVING A SUBDIVISION PLAT AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 2-1-96, Belmont Lakes at Davie Plat, 15300 SW 14 Street) Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the planning report**

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*Ordinances - First Reading (Public Hearing to be held on June 19, 1996)*

- 7.24 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG TO R-1; AMENDING THE ZONING MAP OF SAID TOWN TO COMPLY THEREWITH; AND PROVIDING AN EFFECTIVE DATE. (ZB 4-2-96, 15300 SW 14 Street)
- 7.25 **ANNEXATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA ANNEXING TO THE TOWN OF DAVIE A PORTION OF FERNCREST RIDGE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 49, AT PAGE 29, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA TOGETHER WITH A PORTION OF TRACTS 5 AND 6 OF TIER 13, A PORTION OF TRACTS 5 AND 6 OF TIER 15, AND A PORTION OF TRACT 5 OF TIER 17, NEWMAN'S SURVEY, ACCORDING TO THE PLAT THERE, AS RECORDED IN PLAT BOOK 2, PAGE 26, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; ALL LOCATED WITHIN SECTIONS 23 AND 24, TOWNSHIP 50 SOUTH RANGE 41 EAST, LYING AND BEING IN BROWARD COUNTY, FLORIDA, PLUS ANY INTEREST OF PETITIONER IN ADJACENT PUBLIC RIGHTS-OF-WAY.
- 7.26 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 12 OF THE TOWN CODE BY REPEALING ARTICLE VI, ENTITLED "SITE LANDSCAPING AND BUFFER YARD PERFORMANCE STANDARDS"; ADOPTING A NEW ARTICLE VI ENTITLED "SITE LANDSCAPING"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
- 7.27 **SUSPENSION OF PLAN REVIEW FOR TELECOMMUNICATION TOWERS** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING A SUSPENSION OF REVIEW OF SITE PLANS FOR TELECOMMUNICATION TOWERS, ANTENNAE OR SIMILAR STRUCTURES, FOR A PERIOD OF 180 DAYS, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
- 7.28 **SUSPENSION OF PLAN REVIEW FOR SPECIAL RESIDENTIAL FACILITIES** - ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING A SUSPENSION OF REVIEW OF SITE PLANS OR BUILDING PERMITS FOR ANY AND ALL EXISTING OR PROPOSED SPECIAL RESIDENTIAL FACILITIES FOR A PERIOD OF 180 DAYS, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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- 7.29 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING SECTION 12-238(J)(9) OF THE TOWN CODE RELATING TO BILLBOARDS; PROVIDING THAT THE TOWN MAY PERMIT NO MORE THAN TEN (10) BILLBOARDS WITHIN THE TOWN OF DAVIE, SAID BILLBOARDS TO BE PERMITTED ONLY IF THE TOWN COUNCIL FINDS THAT REQUIREMENTS FOR GRANTING SAID PERMIT HAVE BEEN MET, AS MORE PARTICULARLY SET FORTH HEREIN; PROVIDING FOR CERTIFICATION OF SITES BY THE TOWN COUNCIL; PROVIDING FOR THE TOWN TO ENTER INTO AGREEMENTS SUBSTANTIALLY IN THE FORM ATTACHED HERETO; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Councilmember Kiar asked that items 7.10 and 7.12 be removed from the Consent Agenda. Vice-Mayor Cox asked that item 7.29 be removed. An unidentified man (Al Tyler) asked that items 7.15 and 7.17 be removed. An unidentified man (Arthur Joseph) asked that items 7.26 and 7.28 be removed. Mayor Venis asked that items 7.21 and 7.27 be removed. Mr. Flatley asked that item 7.22 be removed.

Town Clerk Reinfeld read the ordinances - first reading by title only. Mayor Venis advised that a public hearing on items 7.24 through 7.29 would be held on June 19, 1996.

Councilmember Kiar made a motion, seconded by Vice-Mayor Cox, to approve the Consent Agenda without items 7.10, 7.12, 7.15, 7.17, 7.21, 7.22, 7.26, 7.27, 7.28, and 7.29. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

7.10 Councilmember Kiar congratulated the Town on the resolution and read a portion of said resolution.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

7.12 Councilmember Kiar read the resolution by title and he considered the Town's efforts with the Police Athletic League to be important and essential. Chief Mackie discussed the fundraiser.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

7.15 An unidentified man (Al Tyler) asked if this was a negotiated plan. Christopher Wallace, Director of Budget and Finance, indicated that this plan was an optional, additional plan offered to the employees. He stated that this was not a collective bargaining issue.

Councilmember Bush made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

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7.17 Mr. Wallace advised that currently the Town had two money purchase plans and it would be less expensive to combine the plans.

Vice-Mayor Cox made a motion, seconded by Councilmember Cox, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

7.21 Daniel Colabella, Director of Utilities, distributed a timeframe for the installment of the water system. He indicated that a meeting with the residents would be held at the end of June or beginning of July

Councilmember Santini made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

7.22 Mr. Flatley welcomed Bill Meyers into the Town and explained that his property was being annexed into the Town [item 7.25]. Mr. Flatley stated that the State of Florida supported this grant and indicated that \$1.2 million was being applied for for roadways.

Debbie Orshefsky, representing the property owner, explained the improvements to the area. She added that the grant program required that the applicant be a local government who was seeking to induce economic growth into the community.

Councilmember Santini made a motion, seconded by Councilmember Bush, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

7.26 Ms. Mellgren stated that this ordinance simplified the language and “beefed up” certain areas.

Councilmember Santini made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

7.27 Ms. Mellgren stated that staff was requesting a suspension of plan review for telecommunications towers for a maximum of 180 days while staff prepared regulations.

Mayor Venis questioned if pending requests would be effected. Ms. Mellgren replied negatively.

William Gray stated that his clients were concerned with the language regarding existing or approved towers. He discussed the resolution and provided language changes that he thought would be appropriate.

Ms. Mellgren indicated that staff had a problem with the appearance of the towers and she and Mr. Webber would review the suggestions made by Mr. Gray.

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Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

7.28 Ms. Mellgren stated that staff was requesting a suspension of plan review for special residential care facilities for a maximum of 180 days while staff prepared regulations.

Mr. Joseph questioned if group homes had to have sprinkler systems. Ms. Mellgren replied that it depended on the number of people in the home.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

7.29 Vice-Mayor Cox indicated that the agreement provided that \$8,000 per billboard be given to the Boys and Girls Club, however, if it was over this amount, a percentage would be received. She said that there was nothing in the agreement that would allow the Town to determine how much the revenue was and some type of mechanism was needed for the Town to verify revenue. Vice-Mayor Cox stated that the agreement did not address the removal of the billboard should the permittee default and asked for some type of mechanism to address the removal. She said that should the charitable beneficiary decided to "pull out" of the agreement, the permittee could choose another charity and indicated that she wanted the Town to have a say as to the charity that was chosen. Vice-Mayor Cox stated that there had been discussion that WestFair would have exposure on a billboard, however, this was not part of the agreement. She indicated that there was no provision on how the sites would be selected. Vice-Mayor Cox stated that the initial agreement provided that signs would not be located within 20 feet of a residential zoning district and she thought this should be increased. She added that she wanted it clarified what part of the sign constituted the footage. Vice-Mayor Cox stated that it appeared that the permittee could "give" the agreement to another billboard company which she was uncomfortable with and Council should have some approval on this matter.

Councilmember Santini stated that "a percentage of proceeds" should be changed to "a percentage of gross less the commission" with a minimum of \$8,000. She said that wording should be provided that should the charitable organization be dissolved, the charity should be replaced within two months. Councilmember Santini questioned what would happen to the money for the two months without a charity. She stated that her request to not allow liquor or cigarette advertisements was not provided for. Ms. Orshefsky advised that there would be a voluntary commitment not to advertise any tobacco or alcoholic products.

Vice-Mayor Cox indicated that Council had previously discussed eight sites and if a total of ten sites could be found, suggested that the additional two sites be added with the Emergency Assistance Service Effort Program being the charitable organization. She explained that the Program would be losing one of its grants and funds would be needed.

Councilmember Bush asked if the agreement terminated upon notice to the Town. Mr. Webber explained that the agreement would be made for a specific number of years and that the agreement called for substantial compliance. He indicated that in the event the agreement was made with a non-profit organization, paragraph 5 provided that the

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billboard company was obligated to show that it was obligated to provide funding to that non-profit organization. Mr. Webber further explained that in such cases, the agreement was not actually terminated, but rather suspended, and that the billboard company would have 60 days to provide another agreement. He indicated that minor modifications would be made to that provision to detail what would happen within the 60 day period and what type of control Council would have over who the new agreement would be with.

Mr. Webber indicated that Council needed to provide the amount of the percentage. Councilmember Santini suggested 5% of gross with a minimum of \$8,000. Mayor Venis thought 5% was too low. Councilmember Santini suggested that this matter be discussed upon receipt of further information.

Councilmember Kiar suggested that one of the two additional sites be reserved for the Police Athletic League. Mr. Webber indicated that the Town could establish the criteria that the charity had to be within the Town but it could not become involved in the selection of the charities.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve item 7.29. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

**8. SITE PLANS**

- 8.1 SP 3-1-96, Goldcoast Industrial Center, 3070 SW 46 Avenue (M-3) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report and providing an additional handicap parking space*

Ms. Mellgren read the planning report. Gus Aguirre, representing the petitioner, was present.

Vice-Mayor Cox made a motion, seconded by Councilmember Kiar, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

- 8.2 SP 3-3-96, Rolling Hills Commercial, southwest corner of University Drive and SW 30 Street (B-2) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report*

Mayor Venis advised that this item would be deferred until after the public hearing portion of the meeting due to a variance request.

- 8.3 SP 4-4-96, South Broward WWTP, 15400 Slydgemill Road (U) *Planning and Zoning Division approved; Site Plan Committee approved*

Ms. Mellgren read the planning report. Sean Connelly, representing the petitioner, was present.

Vice-Mayor Cox made a motion, seconded by Councilmember Kiar, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

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- 8.4 SP 4-5-96, Tessler's Industrial Park/Mayo Industrial Site Plat, 6950 SW 21 Court (M-3, Old Code) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report and providing the necessary walkways for the handicap parking spaces*

John Messerin, representing the petitioner, was present. Ms. Mellgren read the planning report.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

**9. PUBLIC HEARINGS**

Mayor Venis opened the public hearing portion of the meeting.

*Ordinances - Second and Final Reading*

- 96-23 9.1 **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 TO R-2; AMENDING THE ZONING MAP OF SAID TOWN TO COMPLY THEREWITH; AND PROVIDING AN EFFECTIVE DATE. (ZB 10-1-95, 5390 SW 58 Avenue) (tabled from April 2, 1996)**

Town Clerk Reinfeld read the ordinance by title. Ms. Mellgren explained the ordinance.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

William Berman, the property owner, was present.

Mayor Venis closed the public hearing.

Vice-Mayor Cox made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

- 96-24 9.2 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING SECTION 12-30, TABLE 12-32B OF THE CODE OF DAVIE ENTITLED, "TABLE OF PERMITTED USES (B) COMMERCIAL, OFFICE AND BUSINESS DISTRICTS", PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the ordinance by title. Ms. Mellgren explained the ordinance.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

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**9.3 PLANNING AND ZONING BOARD TABLED TO JUNE 12, 1996;  
COUNCIL CAN TABLE TO JUNE 19, 1996**

LAND USE PLAN AMENDMENT - LA 96-1, Westwind Contracting, Inc., located on the south side of State Road 84 approximately 1/2 mile east of Flamingo Road (from R-5 to Commercial) (tabled from May 1, 1996)

This item was previously tabled to June 19, 1996.

**9.4 REZONING - ZB 4-1-96, Lester, 2400 SW 88 Avenue (from A-1 to CF) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the planning report and voluntary deed restrictions***

This item was previously tabled to July 17, 1996.

**9.5 VARIANCE - V 3-2-96, Orshefsky/K-2 Development, Ltd., southwest corner of SW 30 Street and University Drive (B-2) (tabled from May 15, 1996) (to reduce the required open space from 30% to 25%; to reduce the required landscape bufferyard from 30 feet to 5 feet along University Drive; and to reduce the required landscape bufferyard from 15 feet to 11 feet on SW 30 Street) *Planning and Zoning Division approved; Planning and Zoning Board approved***

Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses. Ms. Mellgren advised that her and Town Planner Gayle Easterling resumes were on file which proved they were expert witnesses. Ms. Easterling read the planning report and stated that the following documents were to be included into the record: the application, the subject site map, planning report, and an aerial.

Debbie Orshefsky, representing the petitioner, explained the variance requests. A lengthy discussion followed with Alan Tinter describing the improvements on 30th Street.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the variance. No one spoke.

Mr. Webber stated that the hearing was concluded and Council could deliberate.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve item 9.5. Vice-Mayor Cox declared that she had met with Ms. Orshefsky on two different occasions on the variances, the site plan, the traffic study, and the open space requirements. She added that these meetings would not influence her vote.

Mayor Venis questioned if each variance should be voted on separately as was done by the Planning and Zoning Board. Mr. Webber indicated that the variances could be voted on separately if that was what Council wished.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve the first variance. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve the second variance. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

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Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve the third variance. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Councilmember Santini announced that she had also met with Ms. Orshefsky on the open space requirements and easements.

8.2 Ms. Orshefsky, representing the petitioner, was present. Ms. Mellgren summarized and entered the planning report into the record.

Ms. Orshefsky and Mr. Tinter explained the site plan and the landscaping. Ms. Orshefsky discussed the requirement of the roadway improvements at the time a certificate of occupancy had to be issued for more than 25,000 square feet on site. She asked that Council modify this condition to incorporate a requirement that subject to the approval of the Town's Engineer, these improvements would be required prior to the issuance of a certificate of occupancy for more than 25,000 square feet in lieu of the building permit threshold.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve subject to the modifications. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

9.6 **VARIANCE - V 4-1-96, Wickham/Brand, 6622, 6632-6634, 6642-6644 SW 48 Street (RM-10) (to reduce the required side setback from 20 feet to 7.5 feet and to reduce the required building separation from 20 feet to 15 feet) (tabled from May 15, 1996) Planning and Zoning Division approved; Planning and Zoning Board approved**

Town Clerk Reinfeld swore in the witnesses. Ms. Easterling, read the planning report and stated that the following documents were to be included into the record: the application, the subject site map, planning report, and an aerial.

Rick Brand, the petitioner, explained the request.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the variance. No one spoke.

Mr. Webber stated that the hearing was concluded and Council could deliberate.

Councilmember Kiar made a motion, seconded by Councilmember Bush, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

9.7 **PLANNING AND ZONING BOARD TABLED TO JUNE 12, 1996;  
COUNCIL CAN TABLE TO JUNE 19, 1996**

**VARIANCE - V 4-2-96, New Town Commerce Center, Ltd. 3801-4131 NW 47 Avenue (M-3) (tabled from May 15, 1996)**

This item was previously tabled to June 19, 1996.

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- 9.8 **VARIANCE** - V 4-3-96, Weitzer at Harmony Lakes, Inc., 1620 Hiatus Road (PRD-5) (to reduce the required peripheral setback from 25 feet to 0 feet along the north, south and east boundaries of the Village at Harmony Lakes Community)  
*Planning and Zoning Division approved; Planning and Zoning Board denied*

Town Clerk Reinfeld swore in the witnesses. Mr. Webber reviewed the considerations that Council would be making. Ms. Mellgren, read the planning report and stated that the following documents were to be included into the record: the application, the subject site map, planning report, and an aerial. She explained the differences between a peripheral bufferyard and a structural yard setback.

Dick Coker, representing the petitioner, questioned if what the petitioner was asking for was identical to the standards for the development to the east of the canal. Ms. Mellgren replied affirmatively. Mr. Coker distributed a summary of the arguments and photographs. He clarified that the summary was not being submitted as evidence but to assist in the presentation, however, the two photographs were being submitted as evidence.

Estelle Burnside, Vice-President of Weitzer Homes, indicated that the photographs were taken approximately one and a half weeks ago and accurately depicted the condition of the property at that time. Mr. Webber excepted the photographs as the petitioner's exhibit.

Bill Ratazzi, President of Weitzer Homes, explained the variance request and the development.

Mr. Coker indicated that this concluded his case but reserved the right for rebuttal if needed.

Discussion followed on the setback and bufferyard. Councilmember Santini questioned if a community pool could be built which would alleviate the need for the variances. Mr. Ratazzi replied that there was already a community pool/recreation facility. Mr. Coker indicated that a variance would be needed for any type of use such as a patio, screened room, or jacuzzi.

Mr. Webber asked if anyone wished to provide testimony in favor of the variance. The following individuals spoke:

Scott Lindquist, lot 9 on the north side of the Harmony Lakes development.

Axel Boina, lot 10.

Mr. Webber asked if anyone wished to provide testimony in opposition to the variance. The following individuals spoke:.

Bob Acker, 1740 SW 105 Lane.

Anne Goldberg, 1671 SW 105 Lane, and provided petitions signed by 62% of the community to not change the zoning. Mr. Webber stated that the petitions would be accepted as hearsay evidence.

Walter Sherota, 1721 SW 105 Lane.

John Stanic, 1621 SW 105 Lane.

William Middleton, 1641 SW 105 Lane.

Jose Pico, 1661 SW 105 Lane.

Michael Sherota, 1651 SW 105 Lane.

Marc Werbin, 10436 SW 17 Drive.

Mr. Coker discussed the resident's perception that the petitioner had the option to add an additional 25 feet and the closing in effect. Ms. Burnside indicated that the request was for specific items which the petitioner thought would be a distinct asset and not a detriment. Mr. Ratazzi discussed the project.

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Ms. Mellgren clarified that the property immediately east of the subject property was zoned R-5 while the phase to the south was zoned R-3. Mr. Coker requested that the aerials being referred to be placed into evidence. Mr. Webber questioned if Mr. Coker was placing his exhibits into evidence. Mr. Coker stated that "it did not make a difference to him". Mr. Webber suggested that all exhibits be placed into evidence.

Mr. Webber stated that the hearing was concluded and Council could deliberate.

Councilmember Kiar asked if the variance request could be approached on an individual basis as the request was for the north, south and east boundaries. Mr. Webber replied negatively as there was only one request unless the voluntarily agreed to have it separated for voting purposes. Mr. Coker indicated that the petitioner would consent to separating the request.

Vice-Mayor Cox questioned the specific items that the petitioner was requesting. Ms. Burnside advised that the petitioner was asking for a pool and patio, screened in/roofed over patio, and a screened over patio. She indicated that sheds and storage units would not be allowed. Mr. Coker indicated that the petitioner would also include that a deck without a roof would not be permitted. A lengthy discussion followed.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to deny the variance with regard to the east. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - no; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-1)

Councilmember Kiar made a motion, seconded by Councilmember Santini, to deny the variance with regard to the north boundary. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - no; Councilmember Bush - no; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 3-2)

Councilmember Kiar made a motion, seconded by Councilmember Bush, to approve the variance with regard to the south side. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - no. (Motion carried 4-1)

**9.9 VARIANCE - V 4-4-96, Goldfarb, 8320 SW 39 Court (PRD-5) (to reduce the required rear yard from 8 feet to 3 feet) *Planning and Zoning Division approved; Planning and Zoning Board approved***

Town Clerk Reinfeld swore in the witnesses. Ms. Easterling entered the planning report into evidence and summarized the request.

The petitioner explained the request.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the variance. No one spoke.

Mr. Webber stated that the hearing was concluded and Council could deliberate.

Councilmember Bush made a motion, seconded by Councilmember Kiar, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

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- 9.10 **VARIANCE** - V 4-6-96, Jeff Falkanger & Associates, Inc./West Broward Professional Condominium Association, 7320 Griffin Road (B-2) (to reduce the required front setback from 25 feet to 19.34; to reduce the required landscape island width from 9 feet to 5 feet along the west property line; to reduce the required landscape buffer from 10 feet to 3 feet along the south property line; to reduce the required landscape buffer along SW 73 Avenue from 20 feet to 10.5 feet; to reduce the minimum separation from 5 feet to 4 feet along the west property line and from 5 feet to 3 feet along the south property line) *Planning and Zoning Division approved; Planning and Zoning Board approved*

This item was previously tabled to July 17, 1996.

- 9.11 **VARIANCE** - V 4-7-96, Snyder, 6421 SW 57 Street (A-1) (to reduce the required side yard from 25 feet to 20 feet (east side)) *Planning and Zoning Division denied; Planning and Zoning Board approved the request to reduce the required setback from 25 feet to 20 feet and denied the request to reduce the required setback for the entire length of the residence and other potential future additions*

Mayor Venis announced that he would not be able to vote on this matter as he represented the petitioner through his accounting firm.

Town Clerk Reinfeld swore in the witnesses. Ms. Mellgren read the planning report and stated that the following documents were to be included into the record: the application, the subject site map, planning report, and an aerial.

Robin Snyder, the petitioner, explained the request and offered photographs into evidence. Mr. Webber accepted the photographs into evidence.

Herbert Snyder, the petitioner, discussed the variance.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the variance.

Debbie Apolinario spoke in favor of the request.

Mr. Webber stated that the hearing was concluded and Council could deliberate.

After some discussion, Ms. Mellgren asked if the petitioner was to amend the request according to the sketch, that the sketch be attached to the variance order. Mr. Webber replied affirmatively.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve "to reflect that's as far as it goes". In a roll call, the vote was as follows: Mayor Venis - abstained; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

**10. APPOINTMENTS**

- 10.1 Budget Advisory Committee (term expires December 1996; exclusive appointment: Councilmember Santini)

Councilmember Santini appointed John Pisula. In a voice vote, all voted in favor.

- 10.2 Child Safety Board (term expires July 1996; exclusive appointment: Mayor Venis)

Mayor Venis advised that Mr. Brannon would be remaining on the Board until his term expired in July.

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- 10.3 Site Plan Committee (term: July 1996 to June 1997) (one appointment per Councilmember) (appointments to include an architect, landscape architect and an urban planner or designer whenever possible)

Councilmember Bush appointed Sam Engel. Councilmember Santini nominated Vice-Mayor Cox with Councilmember Kiar seconding the nomination. In a voice vote, all voted in favor.

Councilmember Santini appointed Jim Aucamp. Councilmember Kiar appointed Wayne Arnold. Mayor Venis appointed Jeff Evans. In a voice vote on all the appointments, all voted in favor.

- 10.4 Affirmation of the Community Redevelopment Agency's Selection of Chairman and Vice-Chairman (Chairman - Neal Kalis; Vice-Chairman - Lowell Goode)

Councilmember Santini stated that out of 14 meetings, Mr. Kalis had missed 8 meetings and Mr. Lowell had missed 7 meetings. She said that Mr. Gill and Dr. Rose were the only members who had missed one or no meetings. Councilmember Santini suggested that this issue be returned to the Community Redevelopment Agency and request that the selection be considered on absenteeism.

Councilmember Kiar advised that the current members had done an outstanding job and the Agency had decided that it wanted Mr. Kalis and Mr. Goode as chairman and vice-chairman respectively. He stated that he would follow the Agency's recommendation.

Vice-Mayor Cox suggested that this issue wait until after the June 7th meeting. She had previously said that changing the chairmanship might move this Agency forward.

Councilmembers Santini and Bush agreed that the issue should be deferred until after the June 7th workshop meeting. There were no objections.

**11. DISCUSSION AND POSSIBLE ACTION**

- 11.1 Discussion on a site plan submitted by Broward County for a Tom Thumb Food Store at Griffin Road and Dykes Road and possible action on the following resolution:

R-96-182 A RESOLUTION OF THE TOWN OF DAVIE, OBJECTING TO THE TOM THUMB DEVELOPMENT AS SUBMITTED TO BROWARD COUNTY FOR SITE PLAN APPROVAL, AND PROPOSED AT THE INTERSECTION OF DYKES ROAD AND GRIFFIN ROAD.

This item was previously approved in the meeting.

- 11.2 Pre-Annexation Agreement Concept on Jolmy Property

This item was not discussed.

Councilmember Santini requested that the Town Administrator's Report be given at the beginning of the meeting after Council's comments as it was important for the residents to hear Mr. Flatley's comments. Vice-Mayor Cox indicated that she preferred all the comments to be at the end of the meeting.

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**12. TOWN ADMINISTRATOR'S REPORT**  
No report was provided.

**13. ADJOURNMENT**  
There being no objections or further business, the meeting was adjourned at 1:12 a.m.

APPROVED \_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk